



(3) All "covered entities" (as defined by 45 CFR 160.103) are hereby authorized to disclose PHI pertaining to KEVIN P. WHEELER to all attorneys now of record in this matter or who may become of record in the future of this litigation.

(4) The parties and their attorneys shall be permitted to use the PHI of KEVIN P. WHEELER in any manner that is reasonably connected with the above-captioned litigation. This includes, but is not limited to, disclosures to the parties, their attorneys of record, the attorney's firms (i.e., attorneys, support staff, agents, consultants), the parties' insurers, experts, consultants, court personnel, court reports, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process.

(5) At the conclusion of this litigation (which shall be defined as the point at which final orders disposing of the entire case have been entered, or the time at which all trial and appellate proceedings have been exhausted), any person or entity in possession of PHI pertaining KEVIN P. WHEELER (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI in their possession or returned to the provider at the end of the litigation.

(6) This order shall not control or limit the use of protected health information pertaining to KEVIN P. WHEELER that comes into the possession of any party or any party's attorney from a source other than a "covered entity", (as that term is defined in 45 CFR 160.103).

(7) Nothing in this Order authorizes defense counsel to obtain medical records or information through means other than formal discovery requests, subpoena, depositions, pursuant to a patient authorization or through attorney-client communications. Likewise, nothing in this Order relieves any party from complying with the requirements of the Illinois Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110/1 *et seq.*), the AIDS Confidentiality Act (410 ILCS 305/1 *et seq.*), or state and federal law that protects certain drug and alcohol records (20 ILCS 301/30-5, 42 USC 290dd-3 and

290ee-3, and 42 CFR Part 2). Absent a Morgan exception, the indices of Petrillo are not waived by this Order.

ENTERED:

*Elaine L. Burklo*

Judge

DATED: 3/15/10

Stephen H. DiNolfo  
Tim Hoppa  
Ottosen Britz Kelly Cooper & Gilbert, Ltd.  
1804 N. Naper Blvd. – Suite 350  
Naperville, IL 60563  
(630) 682-0085 – Phone  
(630) 682-0788 – Fax